

613.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

613.1.1 DEFINITIONS

Best Practice

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

UAS Pilot/Observer/Flight crew

613.2 POLICY

Best Practice

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives, property and detection of possible dangers that could not otherwise be seen. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

613.3 PRIVACY

Best Practice

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

XXXX SELECTION OF PERSONNEL

Based on MARTAC

Interested sworn personnel who are off probation shall submit a Memorandum of Interest and a resume along with a supervisor's recommendation. **Applicants must have a FAA Part 107 certification** and valid driver's license.

Supervisor's recommendation: The applicant's current or previous supervisor should make a recommendation for each candidate on his or her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.

A list of successful applicants shall be submitted to the Chief of Harbor Police by the MARTAC/SWAT Commander for final selection.

XXXX ORGANIZATION

XXXX PERSONNEL

XXXX UAS RESPONSE

On-duty UAS member(s) will be immediately dispatched to emergency situations with the approval of the Watch Commander, a Lieutenant, or a Sergeant. UAS member(s) may also be dispatched to calls that will require crime scene documentation.

Off-duty UAS members may be called in to respond to an incident when deemed necessary and approved by the MARTAC Lieutenant / SWAT Commander.

- A) Code-11: An incident requiring the response of UAS members that is not time sensitive.
- B) Code-12: An incident requiring the response of UAS members that is time sensitive and requires a code-3 response.
- C) UAS assist: An incident being handled by patrol personnel who require assistance from UAS members. This will be an incident that does not meet the criteria of a Code-11 or a Code-12. UAS members that are currently working can respond to a UAS assist.

XXXX DEPLOYMENT PRIORITIES

XXXX UAV MUTUAL AID

XXXX UAS Training

On-duty UAS member(s) will be immediately

613.4 PROGRAM COORDINATOR

Best Practice

The Chief of Harbor Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.

- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Harbor Police, or his/ her designee.

613.5 USE OF UAS

Best Practice

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations shall be conducted in accordance to FAA regulations.

613.6 PROHIBITED USE

Federal

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- To harass, intimidate or discriminate against any individual or group.
- To conduct personal business of any type.

613.7 RETENTION OF UAS DATA

Best Practice

Data collected by the UAS shall be retained as provided in the established records retention schedule.

XXX PRE/POST FLIGHT

XXXX WEATHER

XXXX NIGHT TIME/LIMITED VISIBILITY OPERATIONS

DRAFT